



NEW APPLICATION

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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September 29, 2000

**VIA OVERNIGHT DELIVERY**

Arizona Corporation Commission  
Docket Control Center  
1200 West Washington  
Phoenix, AZ 85007

DOCKET NO. T-03940A-00-0771

Re: Application of Dynamic Telcom Engineering I, LLC for a  
Certificate of Convenience and Necessity to Provide Resold and  
Facilities-Based Telecommunications Services Throughout the  
State of Arizona

To Whom It May Concern:

Enclosed on behalf of Dynamic Telcom Engineering I, LLC ("DTE") are an original and ten (10) copies of the above-referenced Application. Please date stamp the extra copy of this filing and return it in the self-addressed envelope provided. If you have any questions, please do not hesitate to contact John Beahn at (202) 371-7392.

Respectfully Submitted,

*J.L.L.B.*  
Jay Birnbaum  
John Beahn

*Counsel to Dynamic Telcom Engineering  
I, LLC*

**BEFORE THE  
ARIZONA CORPORATION COMMISSION**

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In the Matter of the )  
 )  
APPLICATION AND PETITION OF )  
Dynamic Telcom Engineering I, LLC )  
 ) Docket No. \_\_\_\_\_  
For a Certificate of Convenience and Necessity )  
to Provide Resold and Facilities-Based Local )  
Exchange and Interexchange Telecommunications )  
Services in Arizona )  
\_\_\_\_\_ )

AZ CORP COMMISSION  
DOCUMENT CONTROL

**APPLICATION AND PETITION OF  
DYNAMIC TELCOM ENGINEERING I, LLC**

Dynamic Telcom Engineering I, LLC (“DTE” or “Applicant”) pursuant to Section 40-281 of the Revised Statutes of Arizona, A.R.S. § 40-281, and Rules R14-2-1103 and R14-2-1105, of the Arizona Administrative Code (“A.A.C.”),<sup>1</sup> Ariz. Admin. Code §§ 14-2-1103 and 14-2-1105, hereby files this Application for a Certificate of Convenience and Necessity (“CC&N”) to provide all forms of resold and facilities-based local exchange and interexchange telecommunications services throughout the State of Arizona. DTE also hereby petitions the Commission for a determination that its proposed services are competitive pursuant to the requirements

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<sup>1</sup> Rules established by Commission Opinion and Order (dated June 23, 1995) In the Matter of the Notice of Proposed Rule Making Regarding Competitive Telecommunications Services, in Docket No. R-0000-94-424, Decision No. 59124.

of A.A.C. R14-2-1108. DTE's Petition for Competitive Classification is attached hereto as Exhibit A.

DTE respectfully submits that the grant of its request for a Certificate of Convenience and Necessity to provide resold and facilities-based local exchange and interexchange telecommunications services throughout the State of Arizona is consistent with the procompetitive purposes of the Commission's Order in Docket No. R-0000-94-424 (Decision No. 59124), as well as the purposes of the Federal Telecommunications Act of 1996.

In support of its request, Applicant submits the following information as required by A.A.C. R14-2-1105:

**I. DESCRIPTION OF APPLICANT**

1. Applicant's legal name is Dynamic Telcom Engineering I, LLC. Applicant maintains its principal place of business at:

29225 Chagrin Blvd., Suite 100  
Cleveland, OH 44122  
Tel: (216) 292-4400  
Fax: (216) 292-1871

2. Correspondence or communications pertaining to this Application should be directed to:

Jay Birnbaum  
John Beahn  
SKADDEN ARPS SLATE MEAGHER & FLOM LLP  
1440 New York Avenue  
Washington, D.C. 20005  
Telephone: (202) 371-7392  
Facsimile: (202) 393-5760

3. Questions concerning the ongoing operations of the Applicant following certification should be directed to the following individual:

Paul Saggese  
Director of Contract Management  
One SeaGate - Suite 1160  
Toledo, OH 43604

The Director of Contract Management also will serve as the liaison with the Commission for resolution of Commission and consumer inquiries and complaints, if any.

4. DTE does not currently have a business office in the State of Arizona.

DTE's Arizona agent is:

CT Corporation System  
3225 North Central Avenue, Suite 1601  
Phoenix, AZ 85012

5. Ownership Information. DTE is an Ohio Limited Liability Company. A copy of Applicant's Articles of Organization and Certificate of Registration to transact business in the State of Arizona are attached hereto as Exhibit B. DTE is a wholly owned subsidiary of Dynamic Telcom Engineering, LLC ("DTE LLC"), a Limited Liability Company organized and existing under the laws of the State of Ohio and maintaining the same principal place of business as DTE.

## **II. TECHNICAL, MANAGERIAL AND FINANCIAL QUALIFICATIONS**

1. Technical and Managerial Capability. The management of DTE is well qualified to execute its business plan, having extensive managerial and financial expe-

rience in the telecommunications industry. DTE's officers include the following individuals:

Eli Asher	Chairman and Founder
Kevin Bennis	CEO and President
Mark Katko	Chief Technical Officer
Ronald Teague	Senior Vice President - Corporate Development
James Otte	Senior Vice President - Technical Operations
Kurt Packer	Senior Vice President - Business Operations
Timothy Pruchnicki	Vice President - Field Engineer
Bruce Meyer	Director of Network Operations

Descriptions of the telecommunications and managerial experience of Applicant's officers are attached hereto as Exhibit C. All of the individuals referenced above may be reached at the following address:

29225 Chagrin Blvd., Suite 100  
Cleveland, OH 44122  
Tel: (216) 292-4400  
Fax: (216) 292-1871

As a newly formed start-up, DTE is currently not providing telecommunications services in any jurisdiction. DTE, however, intends to construct its telecommunications networks in a variety of states potentially including California, Colorado, Florida, Georgia, Illinois, Indiana, Ohio, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia and Washington. Applicant has not been denied authority in any jurisdiction.

2. Financial Resources. DTE has access to the financing and capital necessary to conduct its Arizona operations as specified in this Application. As a recently formed subsidiary and new entrant, DTE currently does not have its own financial statements. DTE, therefore, will rely on the financial resources of its parent com-

pany, DTE LLC, to provide the initial capital investment and funding for its Arizona operations. Accordingly, DTE LLC will supplement this Application with its most recent balance sheets. With access to this financing, DTE is financially well qualified to provide the telecommunications services proposed in this Application.

### **III. DESCRIPTION OF SERVICES**

1. Description of Proposed Services. DTE plans to offer resold and facilities-based telecommunications services to business and residential end users throughout the State of Arizona. DTE's local exchange services will include, without limitation, basic dial tone, operator services, directory assistance and emergency 911 services. DTE's exchange access services will include, without limitation, terminating access to enable other carriers to terminate traffic to the DTE networks and originating access to enable DTE customers to access the interexchange networks of other carriers on a non-discriminatory basis. DTE's interexchange services may include, but will not be limited to the following: "1+" and "0+" capabilities, access to "10-1X-XXXX" services, switched inbound calling, switched outbound calling and interexchange directory assistance.

2. To the extent DTE resells telecommunications services, it will purchase digital trunking services from an existing incumbent or competitive carrier for local service and purchase service from an interexchange carrier for long distance service. To the extent DTE provides facilities-based services, it will connect its own switching centers to another carrier's local switching facilities using trunks leased from another carrier. DTE plans to commence negotiations shortly with either an existing incumbent or competitive carrier in order to provide its intrastate services.

3. DTE also plans to provide Operator services and Directory assistance through subcontracts with long distance and local carriers. DTE will staff its own call center for providing service, answering customer calls and resolving customer concerns. DTE may subcontract for customer directory listings and plans either to subcontract for, or to provide through its own switch, 911 and E911 services.

4. Description of Facilities. DTE will provide its services through a combination of its own facilities and through facilities leased from other carriers. DTE intends to deploy a circuit switched network to provide its services within the State of Arizona. DTE's Arizona facilities will combine traditional copper wiring and fiber optic cable to form a reliable telecommunications infrastructure for its customers. DTE also will provide around-the-clock network monitoring and customer service centers.

5. Geographic Area to be Served. DTE intends to provide telecommunications service to subscribers throughout the State of Arizona, and therefore, seeks authorization to provide local exchange, exchange access and interexchange services throughout the State of Arizona. DTE initially seeks authorization to provide facilities-based and resold local exchange telecommunications services throughout the state of Arizona in several exchanges currently served by Qwest. Accordingly, DTE wishes to incorporate, by reference, Qwest's maps as the geographical areas in which it will offer service. Applicant, however, does not plan to provide local exchange service in areas of Arizona that are served by small or rural local exchange carriers (as defined in the Telecommunications Act of 1996). DTE, however, seeks statewide

authorization so that it may expand its local exchange service areas in the future as market conditions warrant.

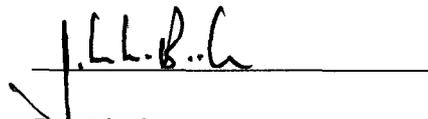
6. Tariff. DTE will supplement this Application with its proposed end user and access tariffs.

7. Competitive Classification. The Commission has promulgated rules governing the provision of competitive telecommunications services in Arizona. As a threshold matter, telecommunications companies must petition the Commission for classification of the Applicant's service offerings as competitive. DTE's Petition for Competitive Classification is attached hereto at Exhibit A.

#### **IV. CONCLUSION**

Based on the foregoing, Dynamic Telcom Engineering I, LLC respectfully requests that the Commission grant it a Certificate of Convenience and Necessity to provide resold and facilities-based local exchange and interexchange telecommunications services as described in this Application, and granting such additional or further relief as may be necessary or appropriate.

Respectfully submitted,



Jay Birnbaum

John Beahn

Skadden Arps Slate Meagher & Flom LLP  
1440 New York Avenue  
Washington D.C. 20016

Counsel to Dynamic Telcom Engineering I, LLC

Dated: September 29, 2000

**EXHIBITS**

- Exhibit A      Petition for Competitive Classification
- Exhibit B      Articles of Organization and Certificate of Registration
- Exhibit C      Managerial Qualifications
- Verification

**EXHIBIT A**

Petition for Competitive Classification

**BEFORE THE ARIZONA CORPORATION COMMISSION**

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In the Matter of the Application of )  
 )  
**DYNAMIC TELCOM ENGINEERING I, LLC** )  
 )  
For a Certificate of Convenience and Necessity ) Docket No. \_\_\_\_\_  
to Provide Competitive Telecommunications )  
Services within the State of Arizona )

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**PETITION OF DYNAMIC TELCOM ENGINEERING I, LLC**  
**FOR COMPETITIVE CLASSIFICATION**

Petitioner, Dynamic Telcom Engineering I, LLC ("DTE" or "Petitioner"), an Ohio Limited Liability Company, hereby files this petition for classification of its proposed services as competitive as part of its application for a Certificate of Convenience and Necessity ("CCN").

**I. INTRODUCTION**

The Commission's rules require that an applicant seeking to provide competitive telecommunications services shall, as part of its Application, "petition the Commission for a determination that the intraLATA service being provided or to be provided is competitive."

A.A.C. R14-2-1505.B. Pursuant to A.A.C. R14-2-1108, the Petition must set forth the conditions within the relevant market that demonstrate that the telecommunications service is competitive, providing, at a minimum, the following information:

1. A description of the general economic conditions that exist which make the relevant market for the service one that is competitive.
2. The number of alternative providers of the service.
3. The estimated market share held by each alternative provider of the service.

4. The names and addresses of any alternative providers of the service that are also affiliates of the telecommunications company, as defined in R14-2-801.
5. The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions.
6. Other indicators of market power, which may include growth and shifts in market share, ease of entry and exit, and any affiliation between and among alternative providers of the service(s).<sup>2</sup>

## **II. MARKET CONDITIONS RENDERING DTE'S SERVICES COMPETITIVE**

In this section, DTE addresses each of these indicators of market power separately.

### **1. Description of general economic conditions.**

The relevant product market that DTE will enter is the market for local exchange and interexchange telecommunications services. The relevant geographic market encompasses several of the Arizona exchanges in which Qwest provides switched local exchange service.

A. Local Market. The local market currently is dominated by Qwest, an entrenched incumbent monopoly LEC with virtually 100% market share.<sup>3</sup> In other words, currently any customer desiring to initiate local exchange service must be served by Qwest. DTE, therefore, will face stiff competition from Qwest in the provision of local exchange telecommunications services. The relevant market is not only absolutely dominated by Qwest, but is also charac-

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<sup>2</sup> R14-2-1108(B). DTE understands that, if its Petition is approved, the provision of these services by DTE will be declared competitive, but that the provision of these services by the incumbent LEC will not be automatically declared competitive. R14-2-1108(D).

<sup>3</sup> Qwest's market share is arguably a negligible fraction lower than 100% in this market.

terized by significant barriers to entry. The following are some of the principal barriers to entry into the local exchange market:

- Qwest has an ubiquitous network, heretofore constructed and maintained through payments from its captive monopoly ratepayer base. This network cannot be duplicated in its entirety by any new entrant in the short term, and perhaps ever. This network represents an extremely significant competitive advantage for Qwest that previously accrued to it by virtue of its one time, government-sanctioned monopoly franchise.
- The switched local exchange market is characterized by significant economies of scale. A new entrant, therefore, cannot, at least initially, provide service on the same scale as Qwest.
- Initially, once competitors are actually operational, the small portion of the relevant local exchange market not retained by Qwest will be fragmented amongst numerous providers.
- While this is not an exhaustive list of the barriers to entry into the relevant market, these barriers, combined with Qwest's virtual 100% market share, confirm beyond any doubt that the services offered by DTE should be classified as competitive.

B. Interexchange Market. This market currently is not dominated by any carrier and, therefore, DTE will face stiff competition from the numerous interexchange carriers presently providing telecommunications services in Arizona. The existence of these carriers will exert tremendous competitive pressures on DTE's provision of intrastate interexchange telecommu-

nications services. Under such conditions, DTE must provide superior service at competitive prices.

2. Number of Alternative Providers of the Service.

A. Local Market. As discussed above, there currently is one monopolist provider of local exchange service in the relevant market.

B. Interexchange Market. As discussed above, there are numerous providers of interexchange telecommunications services in Arizona.

3. Estimated Market Share Of Each Alternative Provider.

A. Local Market. The estimated market share of Qwest is 99%.

B. Interexchange Market. The estimated market share of each interexchange carrier is ever-changing and the constant addition of new competitive carriers makes any estimation of present market share difficult to determine. The largest three interexchange carriers: AT&T, MCI WorldCom and Sprint together control a large portion of the relevant market while the smaller interexchange carriers control the remaining portions.

4. Affiliated Alternative Providers of the Service.

A. Local Market. No affiliate of DTE currently provides or intends to provide facilities-based local exchange telecommunications service in the relevant market.

B. Interexchange Market. No affiliate of DTE currently provides or intends to provide resold or facilities-based interexchange telecommunications service in the relevant market.

5. Ability of Alternative Providers to Make Functionally Equivalent or Substitute Services Readily Available at Competitive Rates, Terms, and Conditions.

A. Local Market. The significant barriers to entry discussed above and ability to leverage existing customers provide Qwest with the ability to provide functionally equivalent or

substitute service readily at competitive rates, terms, and conditions in areas in which alternate service providers operate.

B. Interexchange Market. The market for interexchange telecommunications services in Arizona is a highly competitive market in which carriers are constantly providing substitute services at competitive rates and terms in order to gain and retain customers. Carriers are constantly adapting their offerings in reaction to the increasing demand for interexchange telecommunications services and the competitive offerings of other interexchange telecommunications providers. The ability of carriers to provide functionally equivalent or substitute services remains vital to their ability to compete in the highly competitive Arizona interexchange telecommunications marketplace. Thus, the numerous alternative providers of interexchange telecommunications services in Arizona have the ability to make functionally equivalent or substitute service readily available at competitive rates, terms, and conditions.

6. Other Indicators of Market Power.

A. Local Market. See discussion of barriers to entry into the local exchange market in No. 1 above.

**III. CONCLUSION**

Dynamic Telcom Engineering I, LLC petitions the Commission to declare DTE's proposed services to be competitive services.

Respectfully submitted,

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Jay Birnbaum  
John Beahn  
Skadden Arps Slate Meagher & Flom LLP  
New York Avenue  
Washington, D.C. 20005

Counsel to Dynamic Telcom Engineering I, LLC

**EXHIBIT B**

Articles of Organization  
and Certificate of Registration

# STATE OF ARIZONA



Office of the  
**CORPORATION COMMISSION**

*To all to whom these presents shall come, greeting:*

*I, Brian C. McNeil, Executive Secretary of the  
Arizona Corporation Commission, do hereby certify that*

**\*\*\*DYNAMIC TELCOM ENGINEERING I, L.L.C.\*\*\***

*A Limited Liability Company organized under the laws of  
the jurisdiction of Ohio, has on this 18th day of  
September, 2000 obtained this Certificate of Registration  
to transact business in the State of Arizona.*

*IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the official seal  
of the Arizona Corporation Commission.  
Done at Phoenix, the Capitol, this  
19th day of September, 2000, A. D.*



A handwritten signature in black ink, appearing to read "Brian C. McNeil".

*Executive Secretary*

BY: Mindy Robinson

AZ. CORP. COMMISSION  
DELIVERED

SEP 18 2000

DO NOT PUBLISH  
THIS SECTION

FILED BY  
TERM  
DATE

BY Mindy Robinson

APPLICATION FOR REGISTRATION  
OF A

09-18-2000

FOREIGN LIMITED LIABILITY COMPANY

R-0963075-5

1. The company name must contain an ending which may be "limited liability company," "limited company," or the abbreviations "L.L.C.", "L.C.", "LLC" or "LC". If you are the holder or assignee of a trademark or trademark, attach Declaration of Tradename Holder form. If you do not plan to use the name in Arizona, under which your company is organized, then provide the name which you plan to use.

2. Provide the name of the state or jurisdiction under whose laws your company was formed.

3. Provide the date on which your company organized in the state or jurisdiction under whose laws it was formed.

4. Provide the general character of business you plan to transact in Arizona.

5. The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona.

1a. The name of the limited liability company is:

Dynamic Telcom Engineering 1, L.L.C.

1b. If the name of the company is different than the proposed name for use in Arizona, then the name under which the company proposes to transact business in Arizona:

1c. If the name of the company does not contain the words "Limited Liability Company," "Limited Company," "L.L.C." or "L.C.," then the name of the company with the words or abbreviation which it elects to add thereto for use in Arizona is:

2. The company is organized under the laws of: Ohio

3. The date of the company's formation is: September 5, 2000

4. The purpose of the company or the general character of business it proposes to transact in Arizona is:

Communications and related services

5. The name and street address of the statutory agent for the foreign corporation in Arizona is:

CT Corporation System

c/o CT Corporation System, 3225 North Central Avenue

Phoenix, Maricopa County, Arizona 85012

**DO NOT PUBLISH THIS SECTION**

6. If you do not appoint a statutory agent when you file the application, you must do so within sixty days of filing. Your failure to do so, may result in revocation of your Certificate of Registration.

7. If the jurisdiction under the law of which your company is formed, you must provide the address of the principal office of the company, in whatever state or jurisdiction it is located.

The application must be executed by a member, manager or duly authorized agent.

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check.

6. The Arizona Corporation Commission is appointed as the Statutory Agent for service of process if either of the following occur:

- A. An agent has not been appointed under paragraph 5, or if the agent's authority has been revoked.
- B. The agent cannot be found or serviced with the exercise of reasonable diligence.

7. The address of the office required to be maintained in the jurisdiction under the laws of which the company is organized, if required; or, if not required, the address of the principal office of the company is:

29225 Chagrin Boulevard, Suite 100

Cleveland, Ohio 44122

Executed this 13 day of September, 2000.



[signature]

Eli Asher

[print name]

Chairman of Dynamic Telcom Engineering, Inc., Manager

[title]

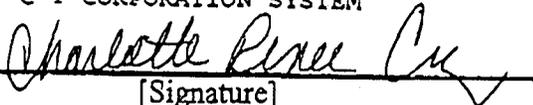
PHONE (216) 292-4400

FAX (216) 292-1871

**ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT**

I, C T CORPORATION SYSTEM, having been designated to act as statutory agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

C T CORPORATION SYSTEM



[Signature]

Charlotte Renee Cruz, Asst. Secretary

ARTICLES OF ORGANIZATION

OF

DYNAMIC TELCOM ENGINEERING I, L.L.C.

The undersigned, desiring to form a limited liability company pursuant to Chapter 1705 of the Revised Code of the State of Ohio, does hereby state the following:

ARTICLE I

NAME

The name of the limited liability company (the "Company") shall be:

Dynamic Telcom Engineering I, L.L.C.

ARTICLE II

PERIOD OF DURATION

The Company shall commence on the date of filing of these Articles of Organization with the Secretary of State of the State of Ohio and shall continue in existence until dissolved or terminated according to law or pursuant to its operating agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized, has hereunto subscribed its name as of the 31<sup>st</sup> day of August, 2000.

ACFB INCORPORATED  
Authorized Representative

By: Donna Fuller  
Donna Fuller, Assistant Secretary

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SEP 05 2000

J. KENNETH BLACKWELL  
SECRETARY OF STATE

**EXHIBIT C**

Managerial Qualifications

## Executive Officers

**Eli Asher** is DTE's Chairman of the Board, Founder and Executive Vice President of Developer Sales and Marketing. Mr. Asher has consulted with, managed, and capitalized early stage start-up companies since 1980. As part of his twenty years of experience with start-up companies, Mr. Asher has developed substantial expertise in developing and marketing business applications for proprietary technology and intellectual property. His experience includes two years at Sand Technology Systems, Inc. ("**Sand Technology**"), the exclusive distributor of Hitachi peripherals in Canada. Mr. Asher helped to formulate a strategic business plan for the company and develop Sand Technology into a publicly traded Canadian company. Mr. Asher served for four years as president and Chief Executive Officer of Tri-Tech Systems, Int'l, Inc. ("**Tri-Tech**"), a start-up company with proprietary plastics processing technology. Mr. Asher raised more than \$14 million in research and development funding for TSI, which grew to employ thirty people under his tenure, and helped the company bring its first product to market. Mr. Asher also has been active in community service, serving for more than eight years as executive director of the Springfield Jewish Federation in Massachusetts. Mr. Asher received his undergraduate degree from Rutgers University and his Masters degree from Springfield College in Massachusetts.

**Kevin Bennis** is the President and Chief Executive Officer of DTE. Mr. Bennis was most recently employed as President and Chief Executive Officer of Call-Net Enterprises, Inc. ("**Call-Net**"), the largest non-Bell long distance competitor in Canada, where he continues to serve on the Board of Directors. As President and CEO of Call-Net, Mr. Bennis was responsible for nearly one million residential customers, over 100,000 business customers, 180,000 internet subscribers, 2,400 employees and \$1.3 billion dollars in revenue. Under his direction, Call-Net successfully introduced internet call waiting service, residential 800 service (Canada's first) and Internet protocol virtual private network (IP VPN) service. Prior to his employment at Call-Net, Mr. Bennis was President of Pathnet, a carrier's carrier that provided fiber and wireless broadband capacity to under-served cities in the United States. Before working in this position, Mr. Bennis served as President of Frontier Communications, a \$1.9 billion long distance/integrated communications business. In addition, Mr. Bennis has over 21 years experience with MCI where he held various senior management positions, including Senior Vice President of Business Marketing, President of Banatel (a joint venture in Mexico with Banamex), President of the Systems Integration Division, and Vice President of Consumer Sales and Customer Service, in which position he supervised MCI's \$5 billion consumer revenue plan, including 12,000 sales and service professionals in 23 call centers and an annual budget of \$600 million.

**Mark Katko** is DTE's Chief Technology Officer and Executive Vice President of Engineering Services and Support. Mr. Katko has seven years of technical network design experience and has received four top annual awards from Ameritech as one of the top network designers in the United States. Prior to forming DTE, Mr. Katko worked from 1993 to 1996 as Senior Design Engineer for The Koxlien Group, a communications consulting organization. At The Koxlien Group Mr. Katko designed and implemented a number of complicated and technical wide area networks for Fortune 500 companies such as Dana Corporation and Trinova, as well as numerous other private and publicly-held companies. Mr. Katko conceived, engineered, and implemented technology which allowed LCI International, Inc. ("**LCI**"), a multinational telecommunications company, to reconfigure its dedicated carrier connection (T1 type) to reduce customer rate structures. He designed and implemented a unique Wide Area Network for Mid Am, Inc., involving five separate banks and some 120 branches. Mr. Katko also created the LATA Pure Network, a proprietary network design, and served as co-leader of a project with engineers at Ascom Timeplex to develop a Branch Nodal Processor to implement his LATA Pure Network technology. Mr. Katko also developed and implemented a wide area network connecting 66 Sisters of Mercy Hospitals across the United States. Prior to his work at The Koxlien Group Mr. Katko served as Senior Analyst for Marathon Oil in pipeline and wide area network communications from 1991 to 1993. Mr. Katko received his B.S. in electrical engineering from the University of Texas.

**Timothy M. Pruchnicki** is the Vice-President and Field Engineer for DTE. Prior to joining DTE, Mr. Pruchnicki worked for 29 years at AT&T, serving the past seven years as a Sales Case Manager. In that position he managed 30 regional managers and data consultants who were responsible for all high speed data installations, and supervised new product testing, evaluation and customer feedback monitoring. Mr. Pruchnicki's group also field-tested products such as Integrated Network Connection Services. Mr. Pruchnicki's other positions at AT&T included Data Processing, Human Resources, Accounting, Inventory Control, and Service Support. Mr. Pruchnicki oversaw the installation and programming of AT&T's Definity and Merlin switches and related hardware, and managed complex voice and data applications associated with T1s, and developed a procedures manual for complex voice/data implementation.

**Ronald R. Teague** is DTE's Senior Vice President, Corporate Development. Mr. Teague has 32 years of corporate and entrepreneurial business management experience. In 1997 Mr. Teague co-founded Access-Toledo, Inc., which provides residential and business Internet services for a three-state area. Prior to this, Mr. Teague served as president of Kahn & Deihl, Inc., an optometric group, where in less than four years he developed the group's new contact-lens distribution division into

the third largest contact lens distributor in the United States. Prior to his work at Kahn & Deihl, Mr. Teague worked for Owens-Illinois in senior management, serving in corporate development and concluding his career at Owens-Illinois as a member of the Senior Management Team which negotiated the company's leveraged buyout. Mr. Teague received his B.B.A. and M.B.A. degrees from the University of Toledo.

## **OTHER OFFICERS**

**James L. Otte** is the Senior Vice President, Technical Operations. Mr. Otte has 14 years of experience in electronics engineering and is recognized as one of the top electronics engineers in the United States. Mr. Otte's electronics research and development work has resulted in the invention of various security devices and software that are now universally used in the security industry. One such invention was the electronic metal key access control system used by numerous hotels and Fortune 500 companies, and a trackable weapons container system used by the ATF and DEA. In 1996, Mr. Otte co-founded Glass City Internet Service, an internet company providing internet connectivity for residential and business purposes on a national scale. Mr. Otte developed a wireless Intranet application for Glass City, and co-developed several new Internet applications and products which are being sold today under the Microsoft and Cisco umbrellas. Prior to his work for Glass City, Mr. Otte served as Senior Vice President for Corporate Protection Services, Inc. ("CPS"), a company he co-founded in 1986 and which became one of the top electronic security firms in the United States. At CPS, Mr. Otte sold, engineered, and supervised the installation of security protection services for numerous Fortune 500 companies, including Owens Corning, Roadway Express, British Petroleum, and Trinova. Mr. Otte received his B.S. in electrical engineering from the University of Toledo.

**Bruce D. Meyer** is the Director of Network Operations for DTE. Mr. Meyer has eleven years of experience designing, installing, and operating a wide range of systems and networks. Prior to working for DTE, Mr. Meyer served as a Network Analyst 3 for Mercy Health Partners, where he designed, installed, maintained and operated an enterprise-wide ATM network consisting of more than 4,000 workstations at more than 50 off-campus locations, and operated a wide range of technical devices including switches, hubs, bridges, gateways, and mainframes. Mr. Meyer worked as a Network Engineer for Promedica Health System, where he developed and maintained a virtual private network device. During this time he also monitored and maintained a firewall, planned the Y2K upgrade of routers, and managed a \$900,000 budget. Mr. Meyer served as Senior Network Analyst at St. Vincent Mercy Hospital where he played a key role in the operation and design of an enterprise-wide network. Mr. Meyer's career began at the Medical College of Ohio

in 1989 where he was responsible for hardware, software, and systems support. Mr. Meyer received his B.B.A. in Information Systems from the University of Toledo.

**VERIFICATION**

I, Mark Katko, the Chief Technology Officer of Dynamic Telcom Engineering I, LLC, am authorized to make this verification on its behalf. I have read the foregoing Application, Petition and exhibits and know the contents thereof, and the same is true of my own knowledge, except as to those matters therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

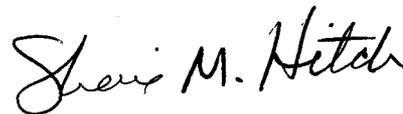
EXECUTED this 27<sup>th</sup> day of September, 2000 at Toledo, Ohio



By: Mark Katko

Title: Chief Technology Officer

Subscribed and sworn to before me this 27<sup>th</sup> day of September, 2000.



Sherie M.Hitch

Notary Public

My Commission Expires on October 22, 2000